

(2022) 12 MP CK 0070

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.58522 Of 2022

Bhagwan Singh Sehariya

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 12-12-2022

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366A, 376(2)N
Protection Of Children From Sexual Offences Act, 2012 — Section 5L, 6
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 12 MP CK 0070

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : D.S.Raghuvanshi, Rajeev Upadhyay

Final Decision : Allowed

Judgement

Anand Pathak, J

The applicant has filed this third bail application u/S.439 Cr.P.C. for grant of bail. Applicant has been arrested on 24.12.2021 by Police Station Myana, District Guna in connection with Crime No.333/2021 registered for offence punishable under Sections 363, 366-A, 376(2)N of IPC and Section 5L/6 POCSO Act.

It is the submission of learned counsel for the applicant that applicant is suffering confinement since 24.12.2021 and material prosecution witnesses including prosecutrix and her father have been examined therefore, chance of tampering with evidence/witnesses is remote. Story indicates prima facie consensual nature of relationship shared by the two. Confinement since 24.12.2021 amounts to pretrial detention. He undertakes to cooperate in trial. He further undertakes not to cause any embarrassment and harassment to the complainant party in any manner and shall not move in their vicinity. Looking to the period of custody, he prayed for bail.

Learned Public Prosecutor opposed the prayer and prayed for dismissal of this

application.

Heard learned counsel for the parties at length and perused the case diary.

Considering the submission and the arguments advanced by the counsel for the parties, but without commenting on the merits of the case, it is hereby directed that the applicant shall be released on bail on his furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
7. The applicant shall not be a source of embarrassment and harassment to the complainant party in any manner and shall not move in their vicinity.

Application stands allowed and disposed of.

Copy of this order be sent to the trial Court concerned for compliance from the office of this Court.

Certified copy as per rules/directions.